

**Amend Section 10518 and 10529,  
Repeal Sections 10532 and 10533, and  
Adopt Sections 10700 and 10701,  
Title 9, California Code of Regulations**

**LICENSURE AND CERTIFICATION FEES**

**Finding of Emergency**

**INFORMATIVE DIGEST**

Licensure of alcoholism or drug abuse recovery or treatment facilities is authorized by Chapter 7.5 of the Health and Safety Code (HSC) (commencing with Section 11834.01) and regulated pursuant to Chapter 5 (commencing with Section 10500), Title 9 of the California Code of Regulations (CCR). Certification for both outpatient and residential alcoholism or drug abuse recovery or treatment facilities is authorized by Chapter 7 (commencing with Section 11830) of the HSC.

Prior to Chapter 177 (Senate Bill 84), Statutes of 2007, the Department of Alcohol and Drug Programs (ADP) charged biennial licensure fees to residential for-profit alcoholism or drug abuse recovery or treatment facilities. Facilities operating under the auspices of a nonprofit organization or a governmental entity were exempt from paying licensure fees. ADP did not charge fees for certification. Chapter 177 requires ADP to charge fees for licensure and certification of outpatient and residential alcoholism or drug abuse recovery or treatment facilities regardless of the form of organization or ownership, and authorizes emergency regulations. Pursuant to the authority of Chapter 177, ADP implemented licensure and certification fees through all county letters until ADP could adopt this regulatory action.

This emergency regulatory action amends Sections 10518 and 10529, repeals Sections 10532 and 10533, and adopts Sections 10700 and 10701, Title 9, California Code of Regulations, to allow ADP to collect licensing and certification fees for outpatient and residential alcoholism or drug abuse recovery or treatment facilities. This regulatory action merely codifies existing policy.

Specifically:

Section 10518 is amended to clarify that “completed application” means an application including fees for licensure.

Section 10529 is amended to correct a cross reference and to require the licensee to pay a licensing fee in order to re-apply for licensure if he/she has voluntarily relinquished his/her license.

Section 10532 and Section 10533 are repealed because they no longer comply with

HSC Section 11833.02.

Section 10700 is adopted to state that the purpose of new Chapter 5.5 (commencing with Section 10700) shall be to implement a process for implementing licensure and/or certification fees for outpatient and residential alcoholism or drug abuse recovery or treatment facilities.

Section 10701 is adopted to specify the amount of licensure and/or certification fees for outpatient and residential alcoholism or drug abuse recovery or treatment facilities.

**SPECIFIC FACTS AND SUBSTANTIAL EVIDENCE DEMONSTRATING THE  
EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION**

ADP finds that an emergency exists and that the subject regulatory changes are necessary for the immediate preservation of the public peace, health, safety, and general welfare.

HSC Sections 11831.5(g) and 11833.04(b) authorize these regulations to be adopted as emergency regulations which shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare.

These regulations are needed on an emergency basis to protect public peace, health, safety, and general welfare by ensuring quality of services and continuing services to individuals receiving services from outpatient programs and residential alcoholism or drug abuse recovery or treatment facilities in California.

If this regulation is not adopted on an emergency basis, ADP and the State of California will not be in compliance with Chapter 177 (Senate Bill 84, Statutes of 2007), and public peace, health, safety, and general welfare could be jeopardized by failing to provide sufficient staff resources to license, certify, or ensure quality of outpatient programs and residential alcoholism or drug abuse recovery or treatment facilities in California, thereby reducing the number of outpatient programs and residential facilities available to provide alcoholism and drug abuse treatment and recovery services in California.

**EXPLANATION OF WHY THE PROPOSED REGULATIONS CANNOT  
BE ADOPTED THROUGH THE NON EMERGENCY REGULATORY PROCESS**

Chapter 177 (SB 84), Statutes of 2007, mandated emergency regulations. Chapter 177 was enacted in the Budget Trailer Bill of Fiscal Year 2007-08. HSC Section 11833.04, as adopted by Chapter 177, requires that emergency regulations be adopted by June 30, 2009.

**STATUTORY AUTHORITY AND REFERENCE CITATIONS**

These regulations are being adopted pursuant to HSC Section 11755.

The statutory references for this regulatory action are HSC Sections 11833.01, 11833.02, 11833.03, 11833.04, 11834.03, 11831.2, and 11831.5.

### **FISCAL IMPACT STATEMENTS**

#### **Anticipated costs or savings to federal funding to the state:**

None because no federal funding is involved and this regulatory action merely codifies existing policy in regulation.

#### **Anticipated costs or savings to state agencies:**

None because this regulatory action merely codifies existing policy in regulation.

#### **Anticipated costs or savings to county or local government:**

None because this regulatory action merely codifies existing policy in regulation.

#### **Anticipated fiscal or economic impact on business:**

None. Because this regulatory action merely codifies existing policy in regulation, ADP has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This regulatory action will not affect the ability of California businesses to compete with businesses in other states. This regulatory action will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

#### **Anticipated fiscal or economic impact on small businesses:**

This regulatory action will impact small businesses, since most outpatient programs and residential alcoholism or drug abuse recovery or treatment facilities are small businesses. However this regulatory action will not result in any negative impact or cost to small businesses because it merely codifies existing policy in regulation.

#### **Impact on Representative Private Persons or Businesses:**

ADP is not aware of any cost impact that a representative private person or business will necessarily incur in reasonable compliance with the proposed regulatory action.

#### **Other Non-discretionary Costs or Savings Imposed upon Local Agencies:**

None.

#### **Impact on Housing Costs:**

ADP does not anticipate that this regulatory action will impact housing costs in any way.

### **LOCAL MANDATE DETERMINATION**

ADP has determined that this regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

### **OPPOSITION AND SUPPORT FOR EMERGENCY ADOPTION**

Unknown.

### **INDIVIDUALS OR GROUPS WHO HAVE PREVIOUSLY INDICATED SUPPORT OR OPPOSITION TO THIS EMERGENCY ADOPTION**

None.